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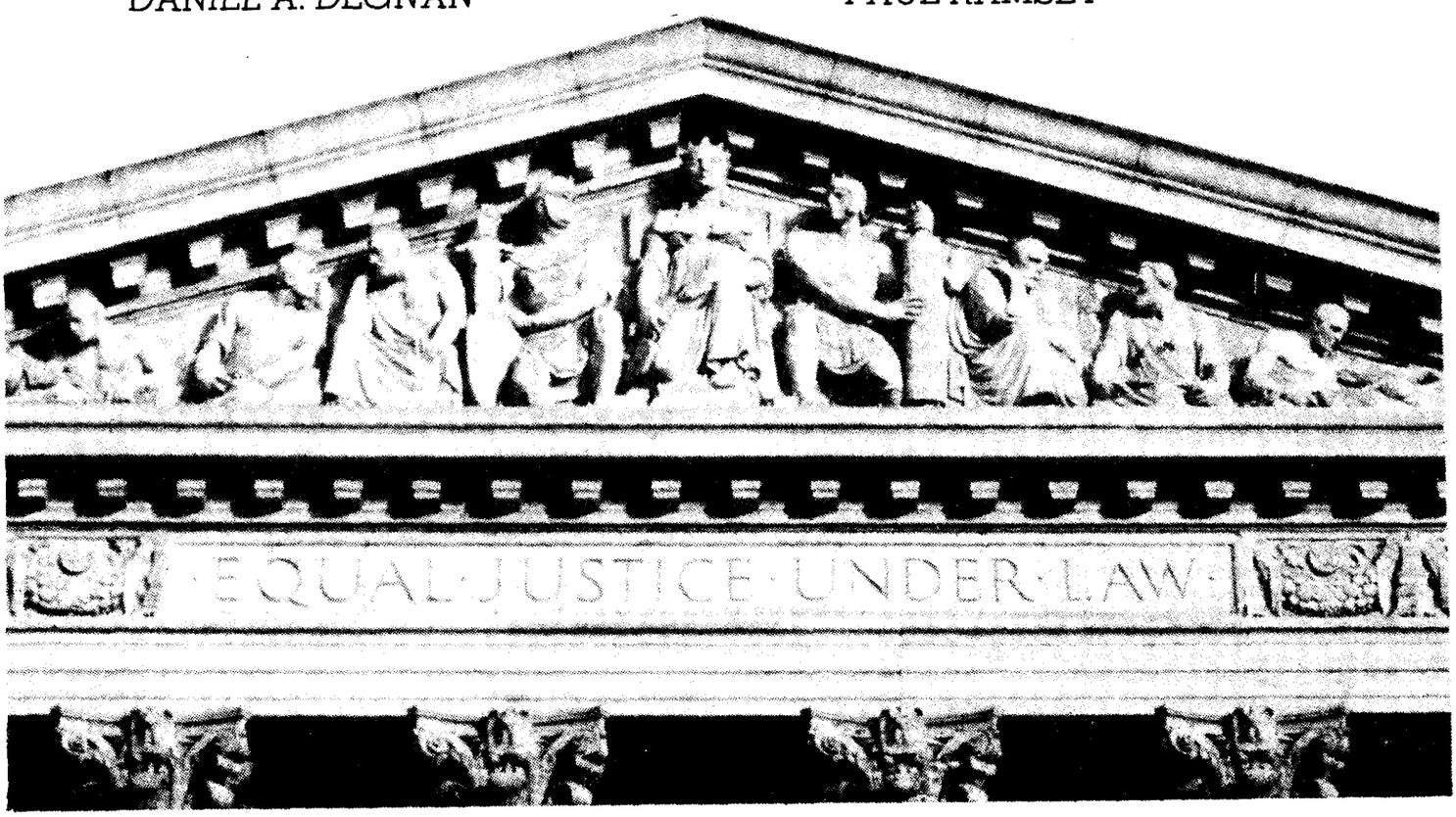
commonweal

Fiftieth Anniversary Year

AN ABORTION AMENDMENT?

LAW, MORALS AND ABORTION
DANIEL A. DEGNAN

PROTECTING THE UNBORN
PAUL RAMSEY



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NEWS & VIEWS

Banning the Delegate

The thesis of Peter Hebblethwaite about Archbishop Giovanni Benelli being the all-powerful *éminence grise* of the Vatican took on some additional weight recently, as the result of an order forbidding the Apostolic Delegate to Britain to preach at a service marking the end of a London conference on "Christians in the European Community."

The order—directed at Msgr. Bruno Heim, a colleague of Pope John in the 1950s—came from Benelli and told the Delegate not to take part unless Britain's Cardinal Heenan was also present.

Although Cardinal Heenan was represented at the conference by one of his auxilliary bishops, he himself did not attend.

According to reports, the ban on Heim was traceable back to Heenan, who was "angered and embarrassed" by the participation of the Apostolic Delegate at an ecumenical service in London in January. At that service, which took place during Church Unity Week, Heim joined with Anglican and Methodist leaders for common readings; then they proceeded, simultaneously but separately, to engage in the Eucharist.

The service was not an endorsement of inter-Communion; in fact, said observers, it was more a rejection of the practice. Nevertheless Heenan interpreted the service as too progressive. Reportedly, he was anxious to protect against a similar liturgical innovation at the latest conference.

Vatican intervention at the latter conference was not limited, however, to banning Heim. The former Apostolic Delegate to Britain and present Papal Nuncio to Brussels, Msgr. Cardinali, was also refused permission to attend by Benelli. Cardinali had planned to be present as the prelate with special responsibility for European Economic Community affairs.

In the words of one newsman, "the case is likely to raise fundamental questions about diplomatic relations between the Vatican and the Catholic Church in England."

As all this was taking place, leaders of the British Council of Churches were formally expressing regret at the decision of the Catholic Church in Britain not to join in Council membership. "The growth of good relations between the Church of Rome and the member Churches of the Council has been one of the great good facts of the last decade," said the BCC spokesmen. They added that they were confident the Catholic decision "will do nothing to slow down the growth of those relationships." Not everyone, however, was sharing that confidence.

Rendering to Caesar

A tax-service publication of Commerce Clearing House, Inc., relays the cosmic results of the tax case involving a Dominican who married on Aug. 2, 1969, and sought to exempt from gross income for the year earnings from January through August (*Francis E. Kelley and Judith M. Kelley v. Commissioner* . . . opinion by Judge Raum):

"The taxpayer contended that amounts paid while in the Dominican Order were excludable because he was an agent of the Order. He contended that: From January until his marriage in August, he was at all times subject to vows of obedience and poverty; that at all times the Order was aware of where he was living and working and of his approximate salary; and that amounts were retained by him only to avoid the unnecessary step of giving the funds to the Order and having amounts returned to him for living expenses.

"The Tax Court, rejecting the taxpayer's agency theory, found that earnings during the period of January to August of 1969 were includible in gross income. The Court found that since the taxpayer had requested and was granted permission to live apart from the Order, was relieved of all religious duties and received no instructions from the Order, and wore non-clerical clothing, he was not living as a Dominican priest during 1969. Furthermore, salaries earned by the taxpayer were used to support himself. He purchased a car, paid rent, purchased food and clothing and made deposits to a savings account.

"Although he was subject to vows of obedience and poverty, found the Court, the effect of those vows could be avoided by leaving the Order."

Nixon the Pious

To the *New York Times* we owe thanks for this reminder of Presidential pietism. The quote is from the televised Nixon-Kennedy debate during the 1960 campaign. Hear Nixon again in reference to the public swearing of former President Harry S. Truman.

"I am very proud that President Eisenhower restored dignity and decency and, frankly, good language to the conduct of the President of the United States.

"And I only hope that, should I win this election, that I could approach President Eisenhower in maintaining the dignity of the office, in seeing to it that whenever any mother or father talks to his child, he can look at the man in the White House, and whatever he may think of his policies, he will say, 'Well, there is a man who maintains the kind of standards personally that I would want my child to follow."

Vadillo, *Siempre*, Mexico

Odds and Ends

—The May issue of *Change*, an opinion magazine for people in higher learning, finds that 50 universities (out of a total of 2700 institutions) account for 63 percent of all academic memberships in advisory committees of federal departments and agencies. The top five are Harvard, Michigan, UCLA, Johns Hopkins and MIT, in that order. Not one Catholic school is among the 50 named.

—A Vatican spokesman has promised it will never happen again: there'll be no more Johnson's Wax ads in *L'Osservatore Romano* showing St. Peter's Basilica and proclaiming how spic 'n span the basilica looks "cleaned with Johnson's Wax Products." Bad taste, said the spokesman. He denied that the wax was free, in return for use of photos of the basilica.

— AFL-CIO President George Meany on Jesuit Father John McLaughlin's apologia for Nixonian morality: "I just want to know the time and place that he hears confessions, because I'd like to go to him. He presents a very, very fine prospect for me."

JOHN DEEDY

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CORRESPONDENCE

SubStandard Humor

Philadelphia, Pa.

To the Editors: Humor in the Catholic press may have been banned in the Brooklyn *Tablet/Pill* [News & Views, May 3] but it's doing fine in Philadelphia. Catholics here have two funny papers to choose from—Cardinal Krol's *Standard & Times* and the independent *SubStandard & Times.*

We lay people and clergy who write the *Sub* presume that being a Roman Catholic in Philadelphia *requires* a sense of humor.

JO PAOLIN

Chesterton Reprise

Saxon's River, Vt.

To the Editors: It might have befitted the Editors to answer reader-protests about a reviewer who had taken no Chesterton straight being asked to review the new GKC biography [May 10]. Was there editorial presumption that all literati, especially ones with Irish names, had some direct exposure to Chesterton? Or that nobody does any more?

Fellow Vermonter O'Brien's own apologia for why he was not, is not now and will not in future be a candidate for reading Chesterton, merits one reply. "Chicken."

MARJORIE MURPHY

New York, N.Y.

To the Editors: May I be permitted to make a few comments on the spirited correspondence that has been taking place as a result of Dennis O'Brien's review of *G. K. Chesterton,* [May 10].

Although I share your readers' surprise that you would entrust this book to someone who knew nothing of Chesterton's writing, it is not upon this point that I would like to dwell. It is rather Mr. O'Brien's cavalier dismissal of Chesterton's *St. Thomas Aquinas* and his belief that GKC's day is past.

No less an authority on St. Thomas

(Continued on page 319)

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CATHOLICS AND ABORTION

The abortion issue will not fade away, which is why we devote considerable space to it in this issue. Although men like Methodist Paul Ramsey (p. 308) are vitally concerned with it, the abortion issue unfortunately has come to be thought of as a "Catholic issue." Given this fact, we want to caution others not to imagine that on this question basic divisions of opinion exist among Catholics in quite the same way they do on so many other issues and as they did, say, on the Spanish Civil War, on the case for or against Senator Joe McCarthy, or even on the more closely related birth control issue. True, there are many Catholics, we among them, who think Catholic tactics on this matter have frequently been poorly conceived and who wish the leaders of the anti-abortion drive had shown a comparable concern about issues like the Vietnam war or dehumanizing racism. There are Catholics, and again we are among them, who recognize the traditional distinction between civil law and morality cited by Daniel A. Degnan in this issue and who do not believe that law can or should ban everything we consider immoral—a point, surely, that is part of the heritage men like John Courtney Murray have left the Church in this country. Further, there are many of us who feel the Church has been slow in examining new ideas in this area. Cannot good arguments be made, for example, for allowing abortion in such hardship cases as rape, incest or a badly damaged fetus? In recent years theological discussion and the moral arguments against abortion have moved away from the question of whether or not the fetus has a human soul at the first moment of conception to a broader respect for life at any stage of its development, and some may argue from this that abortion may therefore be allowed more readily at the earliest stages of pregnancy. But with that said, we also think it is a fact that almost all Catholics are totally opposed to the present general permissiveness on abortion (there were over half a million legal abortions in one 30-month period in New York City alone). On wholesale abortion Catholic opinion is cohesive, and this is a fact worth noting, lest anyone mistakenly imagine that here, as on the birth control issue, they simply have to wait and eventually the "liberals" in the Church will win out. There are undoubtedly individual

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Catholics who do not agree with the Church's stand on this matter (and harried Catholic women who will undergo abortions), but we see no evidence of any significant body of "liberalizing" opinion that would take a passive attitude on abortion on demand, without grave cause. *Commonweal* and the most conservative Catholic publications may and do differ sharply on what kind of legislation on this topic is needed or possible in a pluralistic society, but we are equally opposed to the concept of casual abortion on demand.

How approach the abortion issue? Catholics have been criticized for using shock tactics on the matter. Thus many pro-abortionists deeply resented the wide circulation given to pictures of aborted fetuses already showing clearly recognizable human characteristics, some of which become visible quite early. Those in the pro-life movement, on the other hand, defended the use of such photos and cited comparable horror pictures of Dachau and Buchenwald: no prettier but displaying hard facts men had to face. There may be something in this argument that it is the fact, not its portrayal, that is horrible; on balance, however, we consider such tactics unwise, for at least two reasons. First, really convinced abortion-minded persons will remain totally unmoved by such pictures; their minds are made up. Secondly, such methods do offend moderate-minded, middle-of-the-road Americans who favor abortion in hardship cases but who are not firmly committed on the question of large-scale abortion—a group, Catholics should remember, which includes both Jews of various theological outlooks and committed Christians of other denominations who believe that abortion, like war, can be justified under certain circumstances. It is to such people that Father Degnan refers in his article, and it is to them, we are convinced, that appeal should be made. Only if Catholics and such men and women of moderate views join forces can there be any hope of stemming the rising tide of abortion on demand—indeed, of preventing abortion from becoming little more than simply another form of birth control.

This necessity to cooperate with others of somewhat different views means that Catholic leaders should abandon their vain hopes for any kind of total legal ban on abortion. In a society as diverse as ours, such an absolute ban would be impossible, as well as ill-advised, and the other members of any broad coalition of moral concern could not conscientiously accept such a total ban. Working together, however, it would be possible for Catholics and others opposed to wholesale abortion to map a prudent course which would permit abortion only for serious cause, while at the same time supplying full and effective help for women who are willing to have their babies. The legislation that would come from such cooperation would not, it should be emphasized, be all-or-nothing legislation, but it would be worth working for; it would, hopefully, save hundreds of thousands of lives, end the growing identification of the anti-abortion cause with the right wing, and in general call a halt to the national drift toward what many already consider an abortion culture.

Summer Schedule

In keeping with the usual practice, *Commonweal* will again appear on alternate weeks during the summer months. Forthcoming issues will be dated June 14, June 28, July 12, July 26, August 9, August 23, September 6 and September 20. From then on we will resume our normal weekly publishing schedule.

WASHINGTON REPORT

IMPEACHMENT—NOW MORE THAN EVER

The Watergate mess stains so much and so many in Washington. One reaches for an analogy as if to reassure oneself that, having survived a Credit Mobilier and a Teapot Dome, then this time of troubles, too, shall pass for the nation. But the analogies are not reassuring—earlier corruptions are dwarfed by "Watergate," a staggering tale of wrong-doing that contains shameful chapter after shameful chapter, perpetrated by shameless political technocrats.

Dissatisfied with the inadequacies of American historical analogies, one reaches for art—to the novel—for parallels. There, too, one finds no reassurance, but a guide does suggest itself.

The disagreeable miasma of ambitious middle-class men that Balzac portrays for us? Not quite. The ironic selfishness of the *Comédie Humaine* is more personal in nature, less bearing on our public natures. Perhaps Flaubert's work. Madame Bovary chez la Maison Blanche? Better Polly Adler. Thackeray's? No, too genteel. Orwell's, or Koestler's? No, the evil in their novels of totalitarianism is not basic to our country.

An American novelist, perhaps? Scott Fitzgerald's *The Great Gatsby*? "Careless people—Tom and Daisy—they smashed up things and creatures and then retreated back into their money or their vast carelessness or whatever it was that kept them together, and let other people clean up the mess they had made." No, too precious, despite the dark intimations about the source

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of the money of Jay Gatsby, né Gatz. . . . Who then?

The novelist whose canvas is most congenial for "Watergate" is, of course, Faulkner and his most contiguous novel is *The Hamlet*, peopled by the Snopes family. "Flem, the first Snopes, had appeared unheralded one day behind the counter of a small restaurant on a side street, patronized by country folk." Flem Snopes had led his barn-burning family to Frenchman's Bend in a vicious, ruthless pursuit of power that destroyed the fabric of that village set amid the rich, river-bottom country of Faulkner's Confederacy. Flem Snopes and Richard Nixon. Two men, each moving into a community already flawed and ruining it thoroughly by opportunism. Climbing and climbing with their cold hearts and their concept of honor.

With Flem Snopes came Ab, the barn-burner; Montgomery Ward, draft-dodger; Isaac, idiot; and I.Q., who placed his mules in the path of a train so he could collect damages. There were these and other Snopes, but "a different kind of Snopes like a cotton-mouth is a different kind of snake," observed Ratliff, bruised by financial dealings with the Snopes family.

The apparent ambition of the Nixon brothers, Donald and Edward, to grow up to be like Howard Hughes has brought them under the scrutiny of the law. And Richard, ambitious to become the Imperious President, finds himself in the shadow of impeachment, and two dozen of his aides have been indicted.

The Snopes were opposed by the flawed Sartoris world; the Nixons by political merchants past their prime. Both the Sartoris family and the political merchants were disarmed in their opposition, however. The first by the family's desire to hold to what it could of its privileges and patrimony; the political merchants by their own familiarity with the dark corridors of money and influence. Elected politicians of a kinder purpose were also disarmed. Secular liberals, captives of legends of progress, lack an understanding of evil and, somehow, believe that should it exist, it may, like temporal evils, be legislated out of existence—just as technicians rely in full hubris upon their technology to remove error.

Members of Congress who responded most agilely to the first revelations of Watergate were those who understood, by reasons of their origins, the implications of Watergate. Senator Ervin of North Carolina, in whose Piedmont region Faulkner would also have felt at home, had previously been most noted for his justification of societal bondage, despite the existence of the 13th Amendment to the Constitution. However, flawed in this view of the social order, Ervin at the same time prized the 1st, 4th and 14th Amendments, relating to the individual's freedoms and from whose embankments he undertook to expose the "Watergate." (Not apropos of the Senator, the situation nevertheless recalls a remark by a French resistance leader that during World War II the most effective work was performed by priests and prostitutes.) Ervin has been joined most prominently in both bodies of the Congress not by the media political personalities, inflicted upon us ordinary folk, but by modest men known more for their saving realism and small enthusiasms for grand projects. Examples are Rep. John Anderson, chairman of the Republican Policy Committee, and Rep. Rodino, chairman of the House Judiciary Committee.

Previous Presidents and their men had committed transgressions similar to those perpetrated by the Nixon Administration. After all, Mr. Nixon's predecessors wore no haloes. President Johnson's use of profanity was far more artistic than that indicated by the rancid transcripts of Mr. Nixon's conversations with his chief assistants. President Kennedy's favorite curse was different from that of Mr. Nixon's—perhaps a character clue, clinically speaking. Among our Presidents, we've had Old Hickory and Old Kinderhook and now we have as incumbent President, Old Deleted.

Nor were Mr. Nixon's predecessors unacquainted with electronic eavesdropping. "Good morning, everybody!" Robert Kennedy, as Attorney General, once said into a desk phone as he started his day. Eavesdropping grew, like Ma Bell, during Democratic Administrations. It was in a previous Republican Administration that the Secretary of State, Henry Stimson, removed the departmental code clerk because "Gentlemen do not read other people's mail." Knowledgeable men could offset such skulduggery as did Attorney-General Kennedy who carried a magnetic neutralizing device with him when he was called to the White House in 1964 to be told by President Johnson that "all" Cabinet officers—meaning only Kennedy, of course—were excluded from consideration as a Vice Presidential nominee to run with Johnson in the campaign that fall. LBJ was not happy when he later tried to replay the tape for the amusement of his associates.

But the extent of these transgressions is one of degree—the policy difference between sending American military advisors to South Vietnam and sending half-a-million troops. The exaggerations of these transgressions have wounded our political institutions and the values taken from them by Americans. Excessive claims of executive privilege have lowered executive respectability. "There are not even any token clichés about what is good for the (American) people," Senator Packwood of Oregon complained after reading the malodorous transcripts released April 30 by Mr. Nixon, identified in the typescript as "P" as in Pauline, presumably.

For the Presidency, the poetry, whether that of Robert Frost, Richard Neustadt or Arthur Schlesinger, has ended; the prose has begun. Mr. Nixon can not hold back the judgments rolling down like water. A most introverted President now stands more exposed than any of his predecessors. Theodore Roosevelt's concep-

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tion of the Presidency as that "bully pulpit" has been reduced to only the bully.

There are transgressors enough, in addition to Mr. Nixon. But, no saints. The blood of martyrs is the seed of the Church, we are told. But, in political terms, there being no martyrs in this situation, the future for our political institutions that have held together our disparate nation is not bright. Watergate may not be the catharsis that it is characterized as by editorial writers. These political institutions have been ill-used and the expectations Americans have of them have been seriously thwarted. Like Gresham's Law, bad politics drives out good. Lessened participation in elections is a possibility. Political Luddites may soon be prowling about. The so-called major "national" political parties may undergo re-alignment. A third party—one of decency, i.e. without roots in the state capital in Alabama—may well emerge.

Mr. Nixon has moved by the sweep of events from his mountain-top Berchtesgaden to his besieged Berlin bunker. Another, one notes, in difficult circumstances chose not to resign—or to be captured.

What recourse now for Mr. Nixon?

Seven centuries ago in England, he could have claimed "benefit of clergy," that privilege extended to literate persons wishing to escape criminal prosecution in secular courts for alleged felonies. Such claim would have been granted upon demonstration that he knew the first verse of *Psalm 51*:

> Have mercy upon me, O God, according to
> Thy loving kindness: according unto the
> multitudes of Thy tender mercies blot
> out my transgressions.

A man after his time is Mr. Nixon, as even his speechwriter/advisor, Fr. McLaughlin, S.J., must certainly know.

SISYPHUS

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PROPPING THE RHODESIAN REGIME

CONTROVERSY OVER CHROME

In the Congressional foggy bottom of international concerns, so the quip goes, members of the Senate have "relations" while those of their counterpart committee in the House have "affairs." The chairman of the House Committee on Foreign Affairs, in keeping with the pun, is a man who some say is not about to let the lofty objectives of international law get into the way of Congress if there appears to be any real or imagined injury to their constituents.

"Doc" Thomas E. Morgan, chairman of the House Committee and thus a counterpart to Senator J. William Fulbright, is an affable but astute onetime general practitioner from a southwestern Pennsylvania hamlet. And if foreign relations are not passing affairs to his House Committee, then the particularly foggy status of the United States defiance of the United Nations sanctions against the outlaw Rhodesian regime of Ian Smith is a case in point for limited-duration attachment without long-range considerations.

For Doc Morgan is but one of several Congressmen from Pennsylvania, Ohio and West Virginia districts who have recently been barraged with a concerted lobbying effort from the vociferous and well-heeled American specialty steel industry. Utilizing all of the strident techniques of plant shutdown scares, the loss of American jobs and a thinly-veiled anti-UN campaign, the lobby has sought to salvage the 1971 Byrd amendment, which reversed the U.S. position backing Rhodesian sanctions.

Rhodesian chrome has become a symbolic rallying point for many Black action groups with a Southern Africa independence orientation, for strong UN advocates and generally those who see U.S. policy toward Africa as but the same holding action which advocated a bankrupt Southeast Asia policy and one which supports safe corporate investment in a militarized Latin America. Chrome is the largest export of Rhodesia, the rump racist state created by the five per cent white minority who broke away from the British Commonwealth in 1965.

Rhodesia (it is Zimbabwe to Black African liberation movements) today represents more than a potential crucible in Africa, for the complexities of chrome on the world market, the crisis situations developing in Portugal and her African colonial holdings and the game of geopolitics being played around the UN sanctions all suggest a crescendo of Vietnamese-type proportions. Life inside Ian Smith's "independent" garrison state sounds all-too-like the strategic hamlet period of South Vietnam: strangers (i.e., Blacks) seen outside hamlets may be shot on sight by security forces. Conscription of all whites has defused Smith's white immigration and settlement programs and Africa-watchers now suggest that the April 24 Portuguese revolt has only escalated the inevitable political and military success of the Zimbabwe liberation forces, the ZANLA (Angola and Mozambique provide a colonial perimeter on both of Rhodesia's flanks.)

The chrome controversy which has again erupted in Washington, and which has triggered the actions and passions of some within the small but strategic specialty-metal industry, can be traced to U.S. Security Council sanctions which were imposed eight years ago on Rho-

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desian products at the request of Great Britain. In 1971 conservative forces in Congress, led by Virginia's Harry Byrd, won an amendment which reversed the U.S. boycott position, which in effect flaunted international law.

Last year, following agitation by those who saw the violations of the UN sanctions as a contradiction of U.S. support of the world body, liberals Hubert Humphrey and Gale McGee in December led a fight to override a filibuster in the Senate and again secured compliance with the UN sanctions. House action is expected sometime in May or June, and it is Doc Morgan and his colleagues from half a dozen states—where chrome imports have been significant in the manufacture of specialty-steel products—who are now feeling pressure from the chrome lobby.

The Rhodesian connection within the industry becomes apparent with the multinational involvements of two U.S. enterprises—Union Carbide and Foote Minerals. In 1973 Assistant Secretary of State David Newsom told a Congressional committee that $50 million of the $57-million of direct American investments in Rhodesia was in chrome ore mines owned by the two firms. According to a Carnegie Foundation study, Union Carbide's Rhodesian properties have been "tremendously expanded" since the embargo, and the company's objective is "a total end to sanctions, so it can legally get" at profits which the Smith government has restricted since 1966.

Not surprisingly, lobbyists for the two companies became highly involved in the successful efforts to pass the Byrd Amendment three years ago, under which Rhodesian chrome and ferrochrome could again be imported into the United States. Members of the Tool and Stainless Steel Industry Committee soon rubbed corporate elbows with some of the more sordid types on the radical right, who had adopted "Rhodesian independence" as a respectable front for racism and a diminishing anti-Communism. Ian Smith's police state to them represents racial and ideological purity; to Union Carbide, Foote Mineral and their stainless-steel-maker associations, Rhodesia represents a source of cheap chrome, processed by black workers who earn little more than a dollar day (in neighboring independent black Zambia, miners earn four times as much). The irony to the American industry concerned with chrome imports, however, has been that several hundreds jobs in ferrochrome and ferroalloys plants along the Ohio River and two Southern states have been lost as a direct result of Rhodesian imports.

The Ferroalloys Association told Congress in 1973 that low-cost imports from Rhodesia had reduced employment in that industry by some 30 percent. The president of one of the specialty firms lamented that he "could not compete with companies that pay blacks $1 a day in Rhodesia, when we pay $24 a day in our Charleston, South Carolina plant." Foote Minerals, with multi-million investments in Rhodesia, is able to send its own cheap ferrochrome into the U.S. to compete with other domestic producers. "Inevitably," a Foote executive told *Business Week* last year, "Union Carbide will be forced to move its ferrochrome production overseas in order to compete."

That may make more profits for Carbide investors, but will be of questionable value for American ferrochrome workers. These facts are not highly touted by the stainless lobby, who have employed scare tactics resembling previous threats of plant shutdowns upon the advent of unionization, health and safety enforcement and pollution-control enactments. Jack Sheehan, Washington legislative director of the Steelworkers—which represents most American ferrochrome and specialty steel workers—has declared that jobs are not threatened by the loss of chrome ore from Rhodesia but have been lost through imports of processed ferrochrome.

The Stainless-Steel Industry has spent $200,000 in efforts to defeat the Rhodesian sanctions bill in the Senate, the Southern Africa Committee reports. Some of this has found its way to "delegations" of specialty company employees who have visited Doc Morgan and his colleagues. One wonders if this is not the fleeting attachment of House-style "foreign afairs," an encounter with short-term corporate investments, rather than heeding the advice of the African National Council Representative in the U.S., who asked the House subcommittee on Africa last year: "Is it good economic sense to invest in this regime which is bound to crumble and fall—at the expense of all five and a half million Africans who will certainly rule Zimbabwe in the near future?"

RUSSELL W. GIBBONS

JAMES FINN COTTER

FIELDS, ES SENIA

The wheat bends in the wind,
bobbing in different directions.
The afternoon light slants in
behind the stocks, leaving
the sky immense and blue.
Poppies and daisies spangle
the bank where I sit.
The wheat rustles as it blows
back and forth, yellow and brown.
Twelve crows circle above,
black wings flashing gold.
I watch a palmtree fountain
green fireworks overhead.
White cloudpuffs smoke in the sky.
The sun explodes into red.

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GAY IS NOT LIBERATION

MICHAEL NOVAK

No special unfamiliarity impels Catholics to hold that homosexuality is sinful and wrong. In the era of the Church's birth, homosexuality was very widely practiced. It figures in the dialogues of Plato. It was, in the ancient world, a frank and often public way of life.

Nevertheless, there has from the beginning been something about overt homosexual behavior repellent to the Catholic conscience and to the Catholic sensibility. There is nothing sinful about the simple fact of finding oneself a homosexual, of course, any more than there is anything sinful about the simple fact of finding oneself a kleptomaniac or an egotist or an arrogant s.o.b.. Sinfulness arises in the overt action and in the internal will, not in the involuntary tendency of the psyche. We are all wounded, one way or the other. Each human psyche—at this point for you, at that point for me—is morally deficient. *Confiteor Deo omnipotenti* . . .

"The sinner is at the heart of Christianity," Leon Bloy used to say. Not the saint. Not the fully liberated person. Not the ideal person of liberal thought and radical rhetoric. "The sinner is at the heart of Christianity": we, in our manifold corruptions.

So homosexuals do have dignity in the Church. They belong there, with the irate and the lascivious, with the machiavellian and the pompous, with the hypocrites and those on whose souls lies the ash of tedium. If cardinals in all their regalia can be made to fit in the Church of the humble Christ, why not homosexuals? (Indeed, on a great many old-time holy cards, Jesus himself looks like a homosexual.)

One might even hypothesize that some percentage of those drawn to the celibate life are latent homosexuals. Regarding the opposite sex surely some draw a blank, or are deeply afraid, or are repelled. To drive homosexuals from the Church would be to lose some of the greatest talents—and some persons of highest holiness—who now are in her ranks.

It might be true in public consciousness that homosexuality is considered immoral, sick and ugly; that does not prevent Catholics in tune with their tradition from holding that, indeed, overt homosexual acts are immoral, even though homosexuality as a trait of personality is rather frequent, unwilled, and potentially of the highest beauty.

But "gay liberation" wants us to go two further steps. The first step is to approve of overt homosexual behavior—of homosexual relations characterized by homosexual acts. The second is to grant equal legal status in housing and in jobs to those who practice homosexual acts. Neither of these steps ought, I think, to be taken by Catholics or the Catholic tradition.

Pete Hamill has recently argued that to oppose homosexual acts is to grant too much importance to the human body. What (he asks) does gender matter, so long as two persons love each other in mutuality and gentleness? But if the body is so insignificant, why can't two persons treat each other with mutuality and gentleness without overt sexual acts?

What is at stake in the argument over homosexuality is the value we place upon sexuality. What kind of symbol is sexuality? To break the symbolic connection between sexuality and family—between male and female and the family they mutually nourish—may to some seem a trifling matter. Modern progress, they hold, has dissolved older views of what is natural. Genital activity is an end-in-itself, and in another respect a means of manifesting affection, mutual comfort, and community. Our age, Mary McCarthy once said, is an age for doing as much as we can to one another's genitals.

To others, sexuality is a marital symbol, expressing in opposite bodies the unity of man and woman, in the context of permanent commitment and family life. In this view, premarital and extra-marital sexual relations are expected to be frequent but not universal; according even to the latest statistics, as many as a third of the U.S. population maintains quite traditional patterns of chastity. Sexual relations outside marriage are not "dirty" but attractive; lovely, but wrong.

Overt homosexual acts, even in the context of permanent commitment and perfect mutuality, do not symbolize this Catholic sense of earthiness and harmony. They may, indeed, be psychically satisfying to participants; that is an empirical question. They do not represent the unity of bodily opposites. They represent, at best, the overflow of friendship—the expression of friendship through sexual demonstrativeness.

The Catholic tradition prefers to confine sexual demonstrativeness more narrowly than that, out of an instinct of respect for the union of man and woman, and an instinct of respect for the children at times born of such union. The symbols of sexual exchange, in the Catholic view, ought always to radiate these two forms of respect. (Children are not born from each act of marital love: all the more reason for keeping the overarching symbolism firm.) Sexuality ought not to be wholly "open," unconfined, manipulatable by individual human will.

Moreover, societies must necessarily make choices among the symbols

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LAW, MORALS AND ABORTION

DANIEL A. DEGNAN

Alternatives in light of the Supreme Court's decision

In any discussion of the law and morality of abortion in this country, the Supreme Court's ruling of last year slams shut like an iron door. In an incredible definition of a right of privacy, the Court has held that no laws may be passed prohibiting the taking of human fetal life in the first six months of its existence. (The only laws regulating abortions in the first six months of pregnancy can require, in the fourth to sixth months, conditions that are safe for the woman.) In the final three months of fetal life before birth, laws can go so far, in the Court's words, as to proscribe abortions, but the same laws must allow abortions any time a woman's physician decides that her health, mental or physical or even social, requires it.

Despite the iron face of this ruling, we can look to the principles which ought to guide us in establishing the relationship of law and morals in abortion. These principles show, first, that the stricter moral position on abortion, identified principally with Roman Catholics, does not require an equally strict position on laws restricting abortions. Secondly, however, concern for justice and human life in our society demands that society seek to prevent or reduce through law the taking of human fetal life. These principles can support unified action to impose legal restrictions on abortion if Catholics, in particular, recognize the difference between law and morals in this question, and if enough Americans recognize the urgent necessity for laws designed to limit abortions and to preserve respect for human life.

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I

The stricter moral position on abortion holds that the taking of fetal life, from the moment of conception, is an abomination. The position does not rest, as the Supreme Court seemed to suggest, on the religious belief that ensoulment begins at conception. Vatican II, for instance, deliberately avoided that question in condemning abortion. Today, rejection of all abortions rests upon the value of the potential human person which is the fetus. The sacredness of the life of the developing human at any stage of the pregnancy is affirmed.

The holders of this position are the people who have acted most responsibly, in my opinion, to protect human life ever since the reform of abortion laws became an issue. Their position, nevertheless, has sometimes mistakenly equated moral principles with law. In the most recent example of this, the four American Cardinals, testifying before a Senate committee, rejected Senator Buckley's proposed constitutional amendment to prohibit abortions because it allowed for abortions necessary to save the life of the mother. Aside from the merits of this moral position, which has been questioned by theologians, the Cardinals, it seems to me, equated law with morals.

Law, in relation to the moral problem of abortion, has intrinsic limitations. Law is a coercive human instrument, not something written by God. It depends upon human agreement for its enactment and for its observance, since its sanctions are effective only when most people are willing to follow the law. Law, as Aquinas puts it, must fit the capacity of men and women who are "imperfect in virtue." It is an intrinsic quality

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of law, therefore, not only that it be just, but that it be possible.

Difficult as it may be for many to accept, laws banning all abortions do not seem to be possible in our society. Most Americans would not agree to an outright ban on all abortions. To give an instance, even state laws of the past provided for exceptions when the abortion was necessary to save the life of the mother. The astonishingly swift success of the abortion reform movement and the utter defeat, to date, of the pro-life forces should convince the latter that consideration of what laws are possible must enter into their position.

The real question for holders of the stricter moral position on abortion is not whether a narrow exception can be allowed, but whether more liberal abortion laws, allowing for abortions in the first few months of pregnancy, or for therapeutic abortions, can be allowed. Such laws, it seems to me, not only can be supported by those who hold all abortions to be wrong, but there may even be a duty to support them in the present circumstances. The law would decide that certain abortions are prohibited, not that those excepted are encouraged. If this distinction between the limited prohibition of abortions and their encouragement was ever unclear, recent events have clarified it.

The movement for therapeutic abortions based upon the mother's health and other reasons such as rape and the birth of a seriously defective child arose some twenty years ago. Until recently the proposals were seen, quite accurately, as an attempt to relax both legal and moral standards concerning the taking of human fetal life. Such has been the speed of change, however, that laws permitting therapeutic abortions, which had been adopted in a number of states, were left behind in New York in 1970, when New York's law was amended to allow abortion on demand in the first 24 weeks of pregnancy. Then in January 1973 the Supreme Court of the United States adopted a constitutional position on abortion which was even more permissive than that of New York.

The choice today is between living under the Supreme Court's ruling and attempting to overturn or modify it in order to enact moderately restrictive abortion laws. There are two messages conveyed to society under the Supreme Court's ruling. The first message, conveyed by the hundreds of thousands of unrestrained abortions under that decision, is that human fetal life is of little or no value and that respect for human life itself is in question. The second message is that almost all abortions are legally and morally respectable because a person's constitutional right to terminate a pregnancy outweighs the claims of the fetus.

The message of moderately restrictive abortion laws, in contrast, would be that the fetus is entitled to the protection of the law, that abortion should be restrained, not encouraged, by our society, and that abortions are a grave matter, not to be undertaken at the whim of any person. Support of such laws, for those who hold the stricter moral position, would be based upon the reality that laws prohibiting abortions were enacted by men and just recently invalidated by men, and that we are in the position of seeking some possible consensus for new laws which might replace, in part, the old.

Although law aims at the common good, in which the protection of human life is primary, law, often enough, can achieve its ends only imperfectly and inadequately. If in the stricter moral view all abortions are a grave injustice and a threat to respect for human life in our society, still it may be possible to reduce the taking of human fetal life and to utilize the law as a symbol that fetal life has a claim to our protection.

II

In our society, the future of laws limiting abortions depends upon a wide range of support, enough to pass a constitutional amendment voiding the Supreme Court's ruling, or enough to convince the Court to modify its ruling (outright reversal seems unlikely). This means that Americans who find that abortions raise grave moral issues, but who do not believe all abortions to be wrong, would have to agree that laws restricting abortions are needed. The moral position of this group rests on two main ideas and both of them, I submit, call for the aid of law.

The first idea, one represented to some extent in all of the laws on abortion and even in the recent Supreme Court decision, is that there is a difference between the claims of the developing human in the early stages of human gestation and in the later months before birth, and this difference is a moral as well as a physical one. Morally, arguments can be made to support the judgment that in the earliest stages of gestation there is as yet no human body adequate to sustain the existence of the human individual or person. This argument, which appeals to my own moral judgment, does recognize the moral claim of potential human life at any stage, but it also insists on a qualitative moral difference when the fetus has achieved a developed human form, with the brain, organs, nervous system and other characteristics of the human body. This occurs at the end of the second month; after this, as Paul Ramsey puts it, only growth is to come.

Legally, the argument supports the drawing of a line which would not attempt to restrict abortions at the earliest stages of pregnancy, but which would restrict abortions at the later stages, from the fourth month forward, for instance, at which stage the fetus has for some time possessed the physical characteristics of the human infant. Such a law would not require the precision of moral argument, but would be based upon a general consensus that there is a crucial difference be-

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tween the rudimentary stages of fetal life and the more fully developed fetus.

The second, more commonly held idea is one that considers the claims of fetal life along with the mother's health, or the problems caused by rape, or the birth of a seriously defective child (the most troubling moral issue of all, since it weighs the value of the child himself). Protestant theologians such as James Gustafson and George Williams have agreed that the taking of fetal life is a grave and even agonizing moral issue, but they have also found the stricter moral position to be too narrow, centered as it is on the value of fetal life without regard to other moral claims and values, of the mother especially, which may be involved in the decision to terminate a pregnancy.

This position also demands the aid of law. To support this conclusion, one could point to our present experience with unrestricted abortions, where carnage seems not too strong a word, and where we hear persistent, nagging reports of live infants being left to die after having been delivered by an abortion procedure. My argument, however, has to do with the underlying relationship of law and morality in abortion.

The special concern of law is the area of justice, of the claims we have on others and the claims they have on us. These claims call for actions or forbearances which we owe to others and which are in turn owed to us. Law's concern is with justice because law can regulate our actions, by which we render what we owe to another in justice, or by which we do another an injustice.

It is the aim of law to organize human society by creating a structure of just relationships among men. It is at the law's base, however, that moral and legal justice are most closely related. There the fundamental moral and legal debts are found: the right to life, to material needs, to education, to friendship, to civil and religious liberty. These rights are so important and depend so much upon mutual recognition by all of us in society that law cannot leave them to private choice alone. To allow these mutual rights to be accepted or rejected at the will of any private party would contradict their nature as rights and would destroy the bonds of society, putting in jeopardy all of human life and its achievements.

The Supreme Court has rejected this principle as it would apply to the rights of human fetus. For some of the justices at least, one of the reasons was the perception, shared by most of us, that abortion is a difficult issue for society. The exact status and claims of fetal life and the moral right of a woman to terminate her pregnancy have been difficult questions for the human race. They are the subject of disagreement among the great religious traditions in our society, as the Court noted; and although science has recently shown the continuity of fetal development, this can not settle the question of the moral claims of the fetus to life. The Court's terrible mistake, however, was to declare that law and organized society must ignore, almost totally, the claims of human fetal life.

Abortion concerns law because law's function is to ensure that justice is done, especially at the basic level of the right to life. That an issue of life and death is a difficult, even agonizing one is all the more reason why society must continue to face it through law, lest we abdicate our morality and our justice. Although law need not treat the human fetus in all respects and at all stages of development as having the same legal rights as a human infant, the human fetus, especially in its later development, shares too many of the characteristics of human existence to leave its life or death solely to choice of private persons. What we do or allow to be done to the fetus concerns our willingness to render justice to another. It concerns, therefore, the bonds of our society and our respect for life.

Those who are concerned for the value and rights of fetal life in our society should find the Supreme Court's decision lacking in the most minimal protections of that life. Under it, there are no legal protections through two-thirds of the fetus' life, while in the three months before birth the court-imposed indication for an abortion is no more than a single doctor's judgment. There legal position must reject the taking of life on demand and substitute a concern for the protection of life even when it concedes areas of private decision in the early stages of pregnancy and allows abortion of the more developed fetus when there are serious reasons. for doing so.

III

Although some representatives of the pro-life movement are seeking to prohibit abortions by constitutional amendment, the prohibition of abortions in our society demands careful detail and an ability to amend the law not possible in the Constitution of the United States. The protection of the life and health of the American people through criminal laws, furthermore, has been assigned in the first instance to the fifty states, not to the federal government. In any event, the difficulty of amending the Constitution and disagreement over the proposals would seem to doom these efforts.

When these efforts fail, I would hope that an extended new effort would be made to unite all of those who oppose abortion on demand, and that this new effort would result in the following: (1) a constitutional amendment returning to the states the power to prohibit abortions; (2) a common position, shared by as many Americans as possible, in laws which would allow for some abortions, but which would attempt to restrict the taking of fetal life in both the middle and later months of pregnancy. These laws would find their justi-

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fication in a common moral sense that the sanctity of human life is involved in abortion, especially when the fetus has developed.

There are odds against the success of such efforts, of course. Holders of the stricter moral position on abortion often exhibit a horror of legal compromise, while those who take a more relative position have shown too little appreciation of the need for legal safeguards to protect human fetal life. Many Americans, women especially, may come to accept the Supreme Court's view that abortion is a matter for the personal decision of the woman. The constitutional amendment could founder on the state legislatures' reluctance to have this question returned to them. I hope, however, that the fetal deaths now taking place in abortion clinics and hospitals will move the great majority of Americans to recoil from an abortion society and to unite to support moderately restrictive abortion laws.

Other legal efforts, as Minnesota's new abortion law, can go forward even under the Supreme Court's ruling. The first effort, after the right to refuse to participate in an abortion has been secured, should be for legislation requiring good-faith efforts to save babies born alive in an abortion procedure. State laws should also require stricter standards for ascertaining the age of the fetus, since it is now too easy to abort a viable fetus because of a mistake as to its age. Laws should be drawn to test the parameters of the Supreme Court's ruling, especially the period of six months when no restrictions can be placed on abortions, and the permissive standard for abortion in the three months before birth.

It is more than possible that legal efforts will fail in the face of the great obstacles raised by the Supreme Court's ruling on abortion and that efforts to prevent and reduce abortions will have to be confined to a moral and social sphere apart from law. We are in that situation now, and nothing could illustrate more clearly the difference between morality and law. Law should protect and advance our most basic moral rights, but if the law fails to do so, then we must insist on those rights without the aid of law. In continuing to insist on the sanctity of human fetal life and its claim to justice, the pro-life forces have done this country, it seems to me, an inestimable service.

At the same time, the law's purpose is to serve as a bulwark for human rights. Today, after the Supreme Court's decision, disregard for human life runs high. Laws restricting abortions would be bulwarks against that tide.

PROTECTING THE UNBORN

PAUL RAMSEY

How do we as a people determine the outer limits of human community?

Generally I am not a social activist. Never before have I knowingly testified before a Congressional committee. I came here today because of what I regard as the deep significance of the issue before you, and the seriousness of this hour in the moral history of this nation—indeed, of mankind.

I am here as a private individual who on January 22, 1973, was robbed of his right as a citizen to participate in the public processes by which we as a people determine the outer limits of human community—the limit at the first of life and soon it may also be the limit at the end of life—within which boundaries an equal justice and equal protectability should prevail for all who bear the agreed "signs of life."

These are judgments about the best factual evidence. Physicians are our deputies in applying the criteria for stating that a man has died; but they alone do not set the criteria. In the unlikely event that physicians began to allow people to die all the way through to the end of cellular life (until hair and nails stopped growing) we would find ways of telling them that is not what we mean by the difference between a still living human being and a corpse. I hope we would do the same in the (more likely) event that physicians began to declare people dead not on the basis of brain-stem death (the current "up-dating"), but when there is only cessation or destruction of the higher cortical functions of the brain (thus certifying as corpses for burial or for organ donation bodies whose hearts still

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are beating spontaneously and naturally without any external support-system).

So we have legislation or case-law based on it, wise or unwise, traditional or novel, defining death. This legitimates or deputizes physician declarations of death. Professor Alexander M. Capron of the University of Pennsylvania Law School has recently summarized the need for and the propriety of a societal function in regard to new proposals for updating the criteria for death which physicians apply ("To Decide What Death Means," *The New York Times,* News of the Week, Feb. 24, 1974).

Between Doctor and Patient

Now suppose the Supreme Court were to rule that determining the outer limit of the human community short of which there exists a right to life still resident in the dying is a matter falling strictly within the privacy of the doctor-patient relation, or is even to be decided by physician and family members. On this supposition the State legislatures could limit what physicians do in making life and death decisions only by licensure. Would the Court decision not be deemed an exercise of "raw judicial power"? Would there not be need for a constitutional amendment to restore the setting of criteria to our public and legislative processes? The deputyship of physicians or of any single individual or group of individuals does not extend to fixing the criteria for determining who shall or shall not be deemed a subject of rights. That surely is the people's business. While saying it did not settle that issue, the Supreme Court did just that—all the while proclaiming that when individual human life begins is a murky theological question. For all practical purposes the Court pronounced that no one enters the human community nor has any rights due him until viability. Questionable as that may be, it at least has the virtue of being based on an implicit claim to possess the best factual evidence in the light of modern knowledge. But behind that is, for me, the monstrous claim that the Court decides such matters.

To restore to political and legislative decision-making processes the power to draw an agreed limit as to the first entrance of a human being into the human community is, of course, to load us the people again with a fearsome responsibility. I see no escaping that, since I know of no revelation of such factual judgments. The only thing more fearful would, however, be for such verdicts to be placed in the hands of private individuals, or to be determined by a 7-2 decision of the Court.

Such have always been among the human, all too human decisions silently taken by mankind in the course of our tortuous history. Christian teachings about abortion, for example, have varied over the centuries. But these have varied according to changing judgments about the evidence for believing there is a new life on the human scene. Fancies about 40 and 80 days of gestational life, reliance on quickening, etc. have been grounds in times past for drawing the line between unprotectable and protectable human life. Only in the nineteenth century after the discovery of the ovum did there come to be a credible rational *basis* for either Catholics or the A.M.A. (see q. in *Wade*) to believe that life begins with conception. Before that no one could conceive of "conception."

What has generally been invariant in Western civilization has been the rights and dignity and protection to be accorded to the individual life deemed to be human. Our religious faiths, our philosophies of life, our humanistic visions have to do with justifying and upholding the worth we recognize in or impute to human life. "Subsuming cases" under the value of life—to say, *this* is a human life that has now put in his claim upon the human community to be accorded equal justice and protection—that is a different sort of judgment, and one to be made with fear and trembling. Yet we collectively must decide such matters, and shall continue to do so as long as we have the courage to accept the necessity for together setting the criteria for finding a life to be human life at either end of the scale. It is only the pretense that we can remain civilized after such decisions are left up to the vagaries of private judgment that has to be denied.

I candidly state to you that I am not very hopeful over what people generally through their representatives will decide about these life-and-death issues—in a technologically medical era when "quality of life" is judged to override being alive, and "Choose" has replaced "Choose life" as our moral maxim.

Some comfort may be taken from the fact that over ten years ago the demographer Judith Blake took a look at the anti-permissive abortion sentiment in this country and advised that the only way to accomplish an arbitrary liberty to choose between one life and another in its early stages was to go to the Supreme Court to see whether it would take from the legislatures their power to determine and represent the social compact. I take it, however, that any so-called "pro-lifer" had rather be out-voted than overruled and deprived of voice concerning the limits and the life-and-death terms of our social compact. This, not winning, is what is at stake in the profound alienation of millions and millions and millions of people brought about by the Court's decision in January 1973. I am very sorry that (as reported in the press) Justice Blackmun has received a good deal of "hate mail" since the decision he wrote for the Court. But I pray that he can fathom even in that the moral outrage over being deprived as a people of one of the most important aspects of our together being a people over the course of time. Everyone knows along the pulses that for whomever the bell tolls in these arbitrary

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life-and-death decisions, now surfaced to consciousness and made "safe" by modern medicine, it could have tolled for him long ago and may yet toll for him at the end of life's span.

With power restored to the people to determine agreed criteria for including anyone in or excluding anyone from the human community, we still may go on our way toward some technological version of the definitional solution practiced by the Nuer tribe in Africa who treat infants born with grave deformities or suffering from genetic anomalies as baby hippopotamuses, accidentally born to humans and, with this labeling, the appropriate action is clear: they gently lay them in the river where they belong. (Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo.* London: Rutledge and Kegan Paul, 1966, p. 39; E. E. Evans-Pritchard, *Nuer Religion.* Oxford University Press, 1956, p. 84.) A shudder along the spine of every American is surely a fitting reaction to the Court's account of why Western medicine has always been concerned to protect unborn lives. This is to be accounted for, we are told, because Christianity happened to take up the views of the Pythagoreans, a small sect in the Graeco-Roman world, with its Hippocratic oath pledging physicians never to give abortificants. In now overcoming that limitation, we are asked to recall that pagan outlooks in general and medicine in particular in pre-Christian ages opposed neither abortion nor suicide. Passed over in silence is the fact that approval of abortion was also associated with approval of infanticide.

In this there is retrospective prophecy well on the way toward fulfillment today! A doctor at Yale-New Haven Hospital, explaining on television the newly announced policy of benign neglect of defective infants in that medical center, says that to have a life worth living a baby must be "lovable." (Allowing to die is quite different from killing; but there too there should be private decisions privately made only in accord with established and uniform public standards.) Millard S. Everett in his book *Ideals of Life* writes that "no child should be admitted into the society of the living" who suffers "any physical or mental defect that would prevent marriage or would make others tolerate his company only from a sense of mercy . . ." Who is there among us who need not reply to that, "Mercy, me!"? Michael Tooley, professor of philosophy at Stanford University, concludes that while it would be reprehensible to *torture* kittens, infants or other sentient creatures for an hour, it would not be wrong and *no denial of rights* to *kill* babies in the hospital nursery during the first two weeks after medically checking their acceptability, since human babies are no more than kittens and cannot be bearers of rights until they have *self-consciousness* of themselves as persons ("Abortion and Infanticide," *Philosophy and Public Affairs*, Vol. 2, No. 1, Fall 1972). A physician at the University of Virginia writes that he believes a woman's decision to allow a defective baby to die is "her second chance to have an abortion." A fellow theologian, I regret to say, always replies when I use the term "infanticide": I prefer to call it "neo-naticide"! I myself am surprised by none of these views, nor for that matter do I consider them illogical extensions of what we are doing in the matter of abortion, nor are they without some backing. The legal and moral chaos they bespeak stems rather from letting decisions about the criteria for acceptable life and rightful death decisions fall under the arbitration of private individuals.

To say the least, the Court started these retrogressions into technological medical barbarism from which we shall not soon recover, when it exercised no judicial restraint, when it refused to trust the people's moral sensibility and legislative deliberation to achieve rough agreement about who belongs with us in the community of equal-rights bearers. That decision must somehow be reversed and life-and-death standard-setting must again be deprivatized. In doing this, the Court itself rolled back by one stroke of the pen steadily increasing respect for the unborn child in the law itself—propelled onward and upward for decades by our increased knowledge of the humanity of unborn life in the modern period. That knowledge had all but opened a "new age of human childhood." Yet the Court declared that "the unborn have never been recognized in the law *as persons in the whole sense*" (italics added). That, I believe, is demonstrably erroneous. Perhaps the Court meant to say that *the whole law* has never recognized the unborn as legal persons. That I think is true, e.g., "perfection" of standing and of the right to sue for prenatal injury only comes with birth. But "entitlement" to property conveyed to someone *in utero* is *as to right* perfect at that time; further "perfection" here can only mean collecting the cash to which right was fully established at the time of conveyal.

Then there is the N.J. case *Raleigh Fitkin-Paul Morgan Memorial Hospital v. Anderson*, 201 A2d 537, 42 N.J. 421 (1964), perhaps the crest of legal acknowledgment of the unborn as full legal persons in one part of our law. Here in the case of a Jehovah's Witness mother who refused a blood transfusion *and who was pregnant,* the court confronted the alternative of whether to bring this case under (1) the line of cases of *adult* Witnesses which generally respects their First Amendment right of religious liberty and does not compel transfusions even to save physical life, or under (2) the line of cases dealing with infants or minors of Jehovah's Witnesses whose parents refuse to authorize blood transfusions: here generally the courts have taken jurisdiction of the children and authorized the recommended or necessary medical treatment even against the religious conscience of the parents.

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Which sort of case was *Fitkin*? Both child and mother would die unless the State intervened. Chief Justice Weintraub wrote for a unanimous court: "We are satisfied that the unborn child is entitled to the law's protection and that an appropriate order should be made to insure blood transfusions to the mother. . . . We have no difficulty in so deciding with respect to the infant child. . . . It is unnecessary to decide the question [of compelling the adult against her conscience] because the welfare of the child and the mother are so intertwined and inseparable that it would be impractical to distinguish between them . . ." Notably in this case the humanity and rights of the unborn child prevailed over the First Amendment rights of the mother, which is a near-absolute in American law, when these were inseparably intertwined. There can scarcely be stronger evidence for the recognition in our law of the unborn as a person in the whole sense, granting that this does not hold for the whole of our law.

In this instance the issues in the case were decided after Mrs. Anderson had left the hospital. Following *Wade*, we can imagine another escape: she could request an elective abortion, thereby prevent our law from successfully treating her child as a legally protectable person, and from her point of view deliver both him

and herself intact of soul ("the blood is the life") until the day of the general resurrection! Such is by comparison the measure of the far more trivial reasons conscious persons may now use to disregard the rightful claims of the unborn, if indeed these exist any longer at all following *Wade*. The privatization of abortion decisions means that no one need reach for a First Amendment right to consider overriding the right of the unborn to his or her life. No parity or balancing judgment need now be made, not even one favoring the mother's conscience. Instead, States are now expressly forbidden to bring the rights of the unborn *as such* into consideration. The minimum of regulations that are allowed indirectly expressive of some interest in "the potentiality of life" must every one be reasonably related directly only to the life and health of the mother. She is the one life to be treated as a person in the whole sense; or, I should say, even partially so in the face of the law.

The fetus is not *fully* protectable (not fully a legal person), even after viability! Even *after* viability, the unborn child's right to *life* is not treated as needing to be in parity with the mother's life before being killed. Her health also may outweigh the child's life. The Court said hypothetically: "*If the State is interested* in protecting fetal life after viability, it *may go so far* as to proscribe abortion during that period except when it is necessary to preserve the life *or health* of the mother" (italics added). I suppose most procedures directed toward trying to save a viable baby may have *some* adverse effect on the "health" of the mother, especially as that term is now too broadly interpreted by the medical profession. In an article generally favorable to permissive abortion and the Court's decision, Sissela Bok, lecturer in Medical Ethics at Radcliffe College (the President of Harvard is her consort) pleads: "Every effort must be made by physicians and others to construe the Supreme Court's statement [the foregoing statement] to concern, in effect, *only the life* or *threat to life* of the mother" ("Ethical Problems of Abortion", *Hastings Center Studies*, Vol. 2, No. 1, January 1974, p. 44, n. 18, italics added). In a civilized society, why would Sissela Bok have so to plead? Why should the decision to what extent a *viable* baby should be valued be privatized? Why should physicians be endowed with such arbitrary power over young life that they need to be enjoined not to use it? In this, as well as in its reference to the unborn's capacity for "meaningful" life outside the uterus, the Court steps across the line into "neo-naticide" of *viable* babies.

Still the rightful claims of the unborn are manifest in the ambiguity that remains. There are taxpayers' or other sorts of suits going forward in the courts asking that, following *Wade*, jurisdictions that interpreted the Aid to Dependent Children Act to include *pregnant* welfare women be prohibited from doing so—on the ground, I suppose, that these women are not yet "with child" in the law's meaning. Other lower court decisions have held to the contrary that these women cannot constitutionally be refused listing as welfare *mothers*. These latter cases raise the question, How can the state make payments in support of a person who does not exist? to her on account of no human being within? They raise the even more crucial moral question: If ADC payments are made to a woman for one or two months after her pregnancy is affirmed, and she then decides to elect an abortion under other laws that now treat her as the only person involved in that issue, has she not to say the least frustrated the purpose of the ADC payments to her? Surely there now is an intolerable contradiction between the legal personhood and the legal no-personhood ascribed to the unborn.

Such are the perplexities that flow from violating ordinary language in speaking of the unborn, especially in an era in which this usage has the backing of our modern knowledge of the independent, individual hu-

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manity of unborn life. We do not ordinarily say a woman is "with embryo" or that she is "carrying a fetus." The attempt to say "fetus" rather than "child" is always an effort at first. We can become habituated to it, of course, just as we now customarily say "interrupt a pregnancy" when we mean abortion, although that expression was once the way doctors spoke of Caesarian sections to save an unborn life that could not be brought to natural birth!

So too my own church has schooled itself to speak in its statement of Social Principles (adopted by General Conference in Atlanta, 1972) of "the sanctity of unborn human life," of "the sacredness of the life and well-being of the mother (sic)" and in the same breath to call for "the removal of abortion from the criminal code, placing it instead under laws relating to other procedures of standard medical practice." If there is unborn human life and if there indeed is a "mother," then abortion is not like any other "standard medical practice." Not until euthanasia or "neo-naticide" becomes "standard." And life-and-death decisions involving lives possessing sanctity have never before in the history of our civil community been believed to be a proper subject for purely privatized choices.*

I urge this Committee and the U.S. Senate as a body to move an amendment to the Constitution that would return to the States their legislative power to protect the unborn child from privatized physician-patient decisions about its life or death. Such an amendment would in no way bind in advance the decisions subsequently to be taken by the States. Liberalization of abortion, perhaps its entire decriminalization would still be options open to the States. This would be a minimum remedy, and the Senate may view it as optimal. The thrust of my testimony, however, is to leave the content of an amendment up to the wisdom of the Senate; and for my own part simply to say that almost any remedy at this point in time would be better than no remedy at all. For the thrust of my testimony has been to the point of reversing the privatization *by the Court* of decisions concerning protectable humanity, and toward the right of the people to decide matters of such crucial importance to our social compact through ongoing public debate and the political and legislative processes of this nation. I am willing to have my own views on abortion, and those who agree with them, kept within the public forum; and not enshrine them in the Constitution or in Court-made law—a restraint the pro-permissive abortion advocates were not willing to exercise.

It may be that we have passed the point of no return to that remedy; and that this Committee and the U.S. Senate will judge it wiser to frame an amendment in some fashion substantively protecting the unborn from arbitrary choices. Here there may be an analogy with what followed in the wake of the Dred Scott decision. That decision took from the free States and territories the right and the power to recognize the humanity and protect rights of black people and escaped slaves. We all know the sequel: a tragic civil war, a more perfect union wrought out through carnage and sacrifice, the Fourteenth Amendment imposed on the former slave states. Perhaps that direct approach and substantive constitutional protection of the rights and liberties of black ex-slaves was the better way—instead of trusting the far slower process of political and legislative deliberation in the free states and the gradual erosion of slavery where it existed. Perhaps, then, some form of substantive constitutional protection of unborn human life is needed to overturn the "substantive due process" of a judicial decision that has the effect of turning every question both as to the wisdom and as to the morality of abortion over to private decision-makers.

One must at the least insist on the strong analogy between these two constitutional crises. This nation is in a state of civil and moral strife. Not because "pro-life" people are generally speaking unwilling to be outvoted; but because they now have no vote to cast about the extent of the human community in which we are to live. The right to life is so basic to our civil compact that one can imagine the divisions among us leading to open conflict, but for two differences: (1) Because of the more perfect union wrought by the Civil War there now exist no States claiming or actually exercising the sovereignty they once did: another loss of rights and powers formerly reserved to the States cannot now be resisted, and of course ought not to be. (2) In our present case no one has a "property" self-interest to assert or to deny in the case of the unborn child as in the case of slaves. (The claim that a woman has a right to do what she will "with her own body" comes close to a property-claim over the fetus; but perhaps that language ought not to be taken seriously.) For these reasons, our present constitutional crisis is apt to expend itself in moral passion; and, unless there is remedy, further steps privatizing life-and-death decisions

*The stark contradiction in the Methodist statement on the subject—calling for further inquiry—was pointed out by another Methodist Theologian, J. Robert Nelson, Dean of the Boston University School of Theology in "Abortion: What Was Said and Unsaid in Atlanta," (*Response*, July-Aug. 1972, pp. 23-5). The "legislative history" of that statement was that the call for removing abortion from the criminal code was an amendment hurriedly introduced in too brief debate in Atlanta. Hence the contradiction of moral outlooks between that call and the meaning of the language according human life to the unborn, with all that implies. I suggest—if church statements are admitted here—that it would be reasonable for any Senator to find no legislative direction to be discernible in the Methodist statement, unless and until the *Christian* and the *contemporary* modes of thought at war in it are resolved one way or the other. Bishop James Armstrong, in his oral testimony on March 8, entirely resolved the ambiguity, however, and departed from the official statement of his church, when he said that the question of the human rights of the unborn is a question that need not be raised.

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and massive alienation from the body politic that has given over to private choices the determination of who belongs with us as a people each counting for one and no one for more than one.

There will be others testifying before you who will object to my placing confidence in the people through their representatives to judge who counts as a human life. This confidence may seem like the Court's touching faith in physicians to make independent medical decisions and not to perform abortions on request, or its privatizing of these decisions and regulating the wisdom and justice of such decisions only by licensure as if they are matters of standard medical practice and not *also political or societal decisions* about the boundary of the human community of an equal justice to all. My point is simply that physicians are society's deputies in applying the criteria for stating that a new human being has put in his appearance or has passed from among us. My point thereafter is simply that decisions as to the criteria are necessarily human decisions, too; that such decisions as to *the extent* of our social compact must rest with the people and our deliberative processes;

that "the buck stops here" and cannot be appealed to anyone's private "revelation" nor ought it to be taken from us and then handed over to a pair of other human beings to decide or to any group less than the total body politic.

Perhaps my confidence that returning the abortion issue to the States may be a sufficient remedy rests back upon my belief that the factual evidence (that is all it can be: a set of factual "good reasons") for the individuated humanity of the unborn child is now quite as clear as the evidence for the human countenance of any black, or of any Senator or of anyone who testifies before you. Before we were so rudely interrupted on January 22, 1973, the weight of the evidence had opened a new era of human childhood, as I have said, and this weight was making its imprint on our law itself. The Court might have taken judicial notice of that evidence, instead of facing away from it. It is certainly the business of State legislatures and now of the Congress to take notice of facts concerning the unborn. There is *reason* enough in our modern knowledge for a constitutional amendment substantively protecting the unborn in some fashion and from some stage in their achievement of individuated humanity.

That would be a maximal remedy; my tentative proposal is a minimal one; Congress should say which is optimal and/or feasible. Taken alone, Senator Mondale's "family impact" test would, I suspect, have led us long ago in the direction of federal marriage and divorce legislation, as now maybe that test should lead us to see the need for some substantive decision-making at the constitutional level or at the federal legislative level on the matter of abortion. But our system is built upon the 50 State jurisdictions; and, because of this, and in spite of some clear disadvantages that has, I incline toward a constitutional solution limited to returning to the States and the people within each of those jurisdictions the question of what we mean by the social compact of life with life.

Professor Paul Freund, the distinguished authority on constitutional law at Harvard University, has said that our system of division of powers—executive, legislative, and judicial—ultimately must rest upon the exercise of what he calls "constitutional morality." The staff of the House Judiciary Committee must have had "constitutional morality" in mind when in its memorandum on the meaning of an impeachable offense it said that a President has the duty "not to abuse his powers or transgress their limits— . . . not to act in derogation of powers vested elsewhere by the Constitution"; and again in its reference to "adverse impact on the system of government" (*N.Y. Times*, February 22, 1974). If that is correct, then impeachment of a President is a remedy for any derogation of powers vested elsewhere by the Constitution; it is a way to insure "constitutional morality."

The fact is, however, that impeachment is no remedy for an exercise of judicial power in derogation of powers vested elsewhere or for decisions of the Court that have an adverse effect on our system of government. It is no remedy for decisions "beyond the call of constitutional duty." That remedy is constitutional amendment; that is the way to insure that "constitutional morality" shall continue constantly to be a restraint upon judicial activism. To our founding Fathers in Constitutional Convention, Professor Edward Corwin has pointed out in his book *The President, Office and Powers*, "the executive magistracy was the natural enemy, the legislative assembly the natural friend, of liberty." The members of the Constitutional Convention, of course, knew nothing of the judicial review that was later to become established. They could not have imagined that the judicial magistracy might become the natural enemy of liberty or of the legislative power in its direction of an ordered liberty. It would be ironical if the natural friend of liberty, our national legislature, should now be aroused to institute impeachment proce-

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dures against an "imperial Presidency" for acts in derogation of powers vested elsewhere by the Constitution or for acts having adverse impact on our system of government, and if then the Congress does not bestir itself to use the remedy of constitutional amendment to correct a decision of an imperial Court that likewise has effects in derogation of powers vested elsewhere by the Constitution and adverse impact on the division between the judicial and the legislative power.

It would be undefendable if impeachment may be used to chasten the executive magistracy and not an amendment to chasten the judicial magistracy; if against the one but not the other "constitutional morality" can be sustained. In this regard, the extent to which a Supreme Court decision is popularly and automatically believed to be the last word on *what the law is* is also a measure of how legislative and amendatory authority has slipped from "the legislative assembly." The Court, of course, in *Bolton* (issued, I suppose, one minute after *Wade*) ceremonially refers to *Wade* in the matter of *what the law is*. There can be no objection to that manner of speaking when the Court does it. But if the people, the State legislatures and the Congress join the chant, that is a certain sign that we wish to crown the judicial magistracy and legitimate its word as our final law. The amendatory procedure is more legitimate still; and it is our chief recourse for insuring that what Freund called "constitutional morality" shall be a force in the interplay of the separate powers in our government.

In any case, anyone who believes that there was need to submit to the States an "equal rights" amendment, going beyond the Fourteenth in guaranteeing equal rights for women, cannot with any consistency object to an amendment going beyond the Fourteenth, and correcting the Court's interpretation of it in *Wade* and *Bolton*, now being submitted to the States for possible adoption into our fundamental law. Object they surely will, with inconsistency and distrust of the people and of their right to amend in this instance. Unhesitatingly, the call should go forth for the Congress to move an amendment that at the least restores to the States legislative power to decide whether and how human life-and-death questions shall be dealt with in the criminal law and in regulation of the fateful actions of physicians.

The opponents of a Life Amendment may finally be correct. The issue is the right of choice or decision. But that must be rightly understood. The issue is the right of a people through the legislative process to set the "credentials," the criteria, the signs of humanity to be used in making life-and-death decisions. Setting the outer limits of the human community should not be allowed to pass into the hands of private individuals, one, two, or many.

BOOKS

THE MESSAGE, THE MEDIUM, THE RESONANCE

DANIEL MACK

The Responsive Chord

Anchor, $6.95

TONY SCHWARTZ

Ten years ago Marshall McLuhan declared in *Understanding Media* that the medium is the message—that the real message of any medium is "the change of scale or pace or pattern that it introduces into human affairs . . . it is the medium that shapes and controls the scale and form of human association and action."

For example, the telephone has changed the quality of socializing. A person with a telephone can maintain a wider network of social contacts than in pre-telephone days. There is a peculiar intimacy to the telephone: it allows instant contact and instant termination without protracted amenities. It is an instrument of control, giving its user the option of changing a social situation in a word or two and a click. Home media (snapshots, movies) have transformed otherwise private social gatherings into events where there is a concern for the record to be made of the event. Often, the concern for the historical record of the event becomes the center of the gathering itself. More than any particular snapshot or any particular telephone conversation, the form, the medium introduces a message, a change in human behavior.

Too few people have understood the importance of this effect, especially in a world burgeoning with multiplying do-dads. Tony Schwartz understands McLuhan. Since the late 1940s, when he developed a portable tape recorder, he has done pioneering work in the effects of the media. His major interest, which is in sound, has led him to create thousands of radio and television commercials, and he has worked on many political campaigns, mostly for liberal Democrats. *The Responsive Chord* is a collection of Schwartz' theories, thoughts, anecdotes, insights and speculations on the effects of the media, particularly on how radio and television affect thinking and behavior.

The book builds on the media theories of Marshall McLuhan and an-

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thropologist Edmund Carpenter. Both these men worked closely with a very gifted team of scholars in Toronto throughout the 1950s publishing a journal on communications, *Explorations in Communication*. Much of the best media work in recent years can be traced back to various articles appearing there. Schwartz has an elucidating discussion of a Carpenter-McLuhan article on acoustic auditory space, that media-ether of the Global Village. Via electricity, communication has altered a sense of time—we can know about worldwide events almost instantly; electronic communication has altered a sense of distance—telephones take us almost anywhere; and it has altered a sense of direction—high amplification sound systems bathe the listener in sound from everywhere.

The Responsive Chord has its share of media book flaws. Schwartz has a gushy accolade on the cover of the book from the same author he exalts a few pages into the book. He demonstrates that wondrous phenomenon known as media ecology: the recycling of old ideas, anecdotes and shards of theory. On pages 44-45 he writes: "My wife loves to tell of a neighbor who was sitting in a park with her baby when another woman passed and commented, 'Oh, what a beautiful baby.' 'Yes,' replied the neighbor, 'but you should see his pictures.'" The very same story opens Daniel Boorstin's *The Image* (1960), ends a Carpenter chapter in *Oh, What A Blow That Phantom Gave Me* (1973), and started a recent McLuhan lecture at Teacher's College. American folklore lives on in anecdote dispersion among media writers.

The Responsive Chord is neither as interlaced as McLuhan's work nor as anecdotal as Carpenter's. It is clear, chatty and as informal as the Polaroid pictures which illustrate it. This is its strength. Schwartz shows the reader through his work, his thoughts, introducing his children and his wife and that suspicious neighbor lady with the kid's pictures. It is like many new media books in its random organization of material, and, like the others, it can be opened anywhere and read without appreciable loss. But the coupling of the bath-book (a book you get into) with his very personal style creates a provocative and comprehensible work.

In a short page and a half, Schwartz gets in and out of the question of television and violence. He claims that while there is no causal connection between them, television does condition its viewers to respond instantly and impulsively, without time for meditation. This he attributes to the manner in which the senses and brain receive the fleeting television images. He maintains that television provides a collective set of experiences (the news reports, the drama-action series) from which people draw models for action and reaction. Finally he says that the continuous portrayal of "the good life" on television increases the frustration of viewers who do not have a good life, and when this is coupled with the other two effects, violence could result.

Schwartz is strongest when discussing his resonance theory of communication. Firmly rooted in his extensive and successful work in commercial and political advertising, it is the least speculative part of the book. For much of Schwartz's work has been directed towards getting people to buy Cokes, perfumes, Lyndon Johnsons and Ogden Reids. Schwartz says: "To achieve a behavioral effect, whether persuading someone to buy a product or teaching a person about history, one designs stimuli that will resonate with elements in a communication environment to produce that effect." Or, as Carpenter summarized it: "We respond only to what we recognize, to what holds meaning for us."

Schwartz designs stimuli to elicit meaning from an audience by resonating or helping to recall information already in their minds. The audience isn't "taught" about a product, but is encouraged to recall a situation where the product would be helpful. It's a sight repatterning of perception to include the client's product. One high point of Schwartz' work was his 1964 television spot for Lyndon Johnson. Known as "the Daisy spot," it showed a little girl counting the petals on a daisy. When she reaches ten, the action is frozen and the viewer sees a mushroom cloud and hears Lyndon Johnson's voice pleading for peace. The spot was run only once during "Monday Night at the Movies," and, contrary to folk belief, never mentioned the name of Barry Goldwater. The spot did resonate with the fear that many Americans had of Goldwater's hard-line policy.

The power that Schwartz commands with his resonance theory design of commercials comes from an understanding of the audience. He knows they are anything but empty pitchers waiting for the milk of commercial America. They bring certain feelings and certain memories to the media and most importantly they consume the media in various ways; and Schwartz designs his messages for that purpose. For fifty pages he elaborates the applications of resonance theory in commercial and political advertising. For half that space he then discusses its educational applications. His comments here center on allowing the student to participate in the process of communication, but they lack the deftness and sure-footed quality of his previous discussion. It's much like an early atomic scientist busy on the Bomb, turning aside and saying, "Oh, there are many peaceful uses too." Schwartz really believes the medium is the message, that an understanding of acoustic, auditory space and resonance is more important in the long term than particular ads are in the short-run. Or—back to the Bomb—an understanding of nuclear fission is more important than any specific application of that knowledge. This is not to dismiss the content of the medium. Schwartz doesn't seem to anguish over the micro-ethical question of a good product versus a less-good product or a Johnson or a Goldwater in 1964. He is more concerned with the macro-ethical question of some people having the money and power to avail themselves of the most

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contemporary theory and practice in media design and others not. Hence *The Responsive Chord*. It is clearly enough written so that those readers with the specific concern of counterbalancing commercial media power can at least reach a good understanding of the rules of battle.

Peter In the New Testament

Edited by RAYMOND E. BROWN, KARL P. DONFRIED and JOHN REUMANN

Augsburg, $1.95

JOHN L. McKENZIE

It is *not* written in John 3:16 that God so loved the world that he did not send a committee, but this ecclesiastical irreverence has circulated for a long time. Here a committee has attempted what many have said a committee cannot do, to write a book. Committees produce non-books. One must admit that this committee exceeded its estimated competence; nevertheless, signs of multiple authorship appear. I was offended by the footnotes. For years I have been telling students that if they cannot get it into the text, perhaps it is not worth saying in the context of their writing. I am reminded of something produced in *The New Yorker* about 1940, I think by the late Frank Sullivan, in which the first word was footnoted. This develops into a duel between author and footnotes in which the footnotes finally win and the text entirely disappears. It is not like reading two books at once; it is more like watching two different football games on two TV screens in two different rooms.

When I began to read this book I had just finished a review of a short book which attempted to present recent developments in Christology to the general public. The contrast between this slender volume and the solemn high ecumenical dedication to Peter struck me as paradoxical; one is moved to ask whether Peter is more important than Jesus or—since this seems impossible—Peter is more troublesome than Jesus. This too seems impossible. There appears to be an implication that Christians are in much more substantial agreement about Jesus than about Peter, and this in turn has implications on the degree to which Christian unity has been achieved. With all due veneration to his sainted memory, Peter often appears in the New Testament as a jerk. Well, so do his successors often appear in history. I would not want to inscribe in the dome of St. Peter's the line in which Jesus tells Peter to get out of his sight, the only disciple who was ever addressed in these terms. But the line does come from the same context from which the line in the dome comes. They are both dominical sayings, as the exegetes call them.

We know, of course, that it is not Peter but the successors of Peter who cause concern, and that the reason for a study of Peter in the New Testament is to see whether the New Testament offers any theological justification for the position claimed by the successors of Peter. For those who remember some of the things Martin Luther wrote about the successors of Peter it is highly significant that the theologians of the Lutheran Church and of the Roman Catholic Church could reach the agreement exhibited in this book. Every text where Peter appears in the New Testament is studied; it is not surprising that the line in the dome, Matthew 16:18-19, gets more attention than any other passage.

That Lutherans and Catholics could agree on a statement of Peter's position in the New Testament suggests certain features to be expected in the conclusions. The things suggested are perhaps most sharply expressed in a sentence which I am sure the writers did not intend to be so sharp: "Historically, we have no reliable evidence that Peter ever served as a presbyter for a particular congregation, not even for the Roman congregation" (154). It is equally without evidence that Peter ever served as a bishop for any particular congregation; at least the authors do not mention any evidence. One sees clearly enough that the New Testament contains no evidence for a *Roman* primacy; and in fact the authors could agree because the New Testament contains no reliable evidence that Peter had any kind of primacy. As the authors say, this is nothing new in the world of theology, although it has not been said by many Catholics until quite recently.

Yet the committee is willing to concede that there is more to be said about Peter than the New Testament says. If the Catholics have given something to Scripture, the Lutherans have given something to tradition. The authors speak somewhat ambiguously of the "image" of Peter and the "trajectories" of the image of Peter—or rather of the images. Peter is called a shepherd in the New Testament, but so are others; why and how did Peter become the chief shepherd? Peter was a fisherman, but so were others; how did the Seal of the Fisherman become the symbol of supreme authority on documents addressed to the whole Church? The answer of the authors is that these questions cannot be answered from the New Testament. The same ecumenical commission which produced this study has another committee working on Peter in patristic literature. The studies may have to go even beyond this period. The committee effectively agrees that the position of the successors of Peter in the Roman Church was created by the Roman Church. This surely is what is meant when the authors conclude by calling the New Testament study of Peter "background for ecumenical discussion of the role of the Papacy in the universal Church."

The ecumenical impact of this agreement is enormous, and that word is

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REVIEWERS

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not used lightly. Ecumenical union cannot be reached on either the Roman position on the Papacy or on the primitive Protestant position (symbolized by such phrases as the Great Whore of Babylon). This study gives a background for a future agreement which obviously will be beyond the background.

Early Poems
OCTAVIO PAZ
Indiana U. Press, $7.95

Alternating Current
OCTAVIO PAZ
Viking, $7.95

Conjunctions and Disjunctions
OCTAVIO PAZ
Viking, $7.95

The Bow and the Lyre
OCTAVIO PAZ
U. of Texas Press, $8.50

RONALD CHRIST

Another way we ignore South America is by denying it any philosophy, any fund of critical, esthetic or systematic thought—in short, any *wisdom*. Even so vulgar an index as Bartlett's *Familiar Quotations* reflects this neglect by quoting Ortega y Gasset but not Octavio Paz, Yevtushenko but not Neruda. But such wisdom in both its systematic and quotable forms does exist and nowhere more impressively than in the works of Octavio Paz which are a colossal *piñata,* spilling prizes, unexpected and fabulous, stylistic and topical, for any who will crack the books.

(No, not a *piñata,* a *fiesta*—one of Paz's favorite images—where individual aperçus explode brilliantly in throngs of thought.)

At the same time, Paz is cool. He writes as with a diamond-tipped stylus on sheets of clearest crystal and what he writes is incandesced by a lunar imagination streaming in images like moonlight through stained glass: Paz illuminates glowing hues in whatever he writes but always pours through, pure, fine, uncolored by anything but himself.

Like that unpolarized moonlight, whether in poetry or prose, Paz is always inspiring even when not inspired, always novel and always consistent. Sometimes the richness of his production, only partially reflected in these four books, obscures the dialogue of unity and multiplicity which is both his persona and his theme but any prolonged acquaintance with his work discovers that inhering principle. The title *Conjunctions and Disjunctions,* for example, fits both Paz's general method as well as his specific subject in that book: the differing approaches of East and West to an integrated view of reality expressed in a subtle, erudite choreography of words and notions like Siamese twins: "life with death, sex with spirit, body with soul."

This "binary relation between the *I* and the *Thou*" is again the form and content of the mimetically entitled *Alternating Current,* a small masterpiece of miscellaneous fragments of which Paz writes: "I believe the fragment to be the form that best reflects the ever-changing reality that we live and are. The fragment is not so much a seed as a stray atom that can be defined only by situating it relative to other atoms: it is nothing more nor less than a *relation.* This book is a tissue of relations," so is the best of all Paz's work and *Alternating Current* is among the very best. Ranging over literature, mysticism, eroticism, ethics and politics—with especially charged passages on Cernuda and André Breton —Paz creates a "contrapuntal unity" echoed in his contrary title *The Bow and the Lyre.*

Among these books, *The Bow and the Lyre* is the most ambitious with the least pretense. Here, Paz has worked a poetic of dominion and majesty from sources as diverse as Mallarmé, Whitman and Juan Ramon Jiménez and done it in such a way as to implicate us fully—socially, spiritually and sexually.

The major sections of this book cor-

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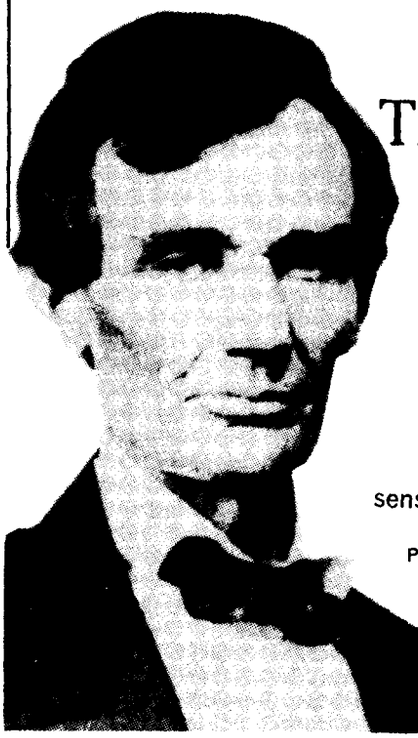

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respond to the phases of that implication. In "The Poem," Paz concentrates on elements of poetry, culminating with imagery containing "many opposite or disparate meanings," which it embraces or reconciles without suppressing, thus providing "the key to the human condition"—just as Paz does. In the second section, "The Poetic Revelation," Paz links the poetic with the sacred by means of wonder which inspires man: "he poetizes, loves, divinizes" under its spell. In the third, "Poetry and History," Paz argues that "man's true history is the history of his images: mythology" and explains surrealism as the poetic attempt to ground society on a poetic, imagistic and, thus, a liberated basis correspondent to a world view. Surrealism, he recognizes, failed and in a section of his epilogue, Paz looks back to the Aztecs whose works of art were literally their religion—"living manifestations of the sacred"—and that religion literally their state. In this backward glance, Paz returns us to his originating notion of the image as synthesizing without suppressing. Similarly, we see that Paz's own work fully lives up to his definition of the image in "The Poem" so that his own critique is also his best example.

I say that not forgetting Paz's many poems, because "The Middle of the Night" describes what I see in all his verse: "Thought shines, goes out, returns,/ identical with itself it consumes itself and begets, recurs,/ neither alive nor dead,/ turning forever around the cold eye thinking it." That lucidity which again is both Paz's subject and his mode provides for "neon jewels" but never says "what time says in hard sentences of stone, in vast gestures of sea covering worlds." Paz is a very good poet but by the measure of his own prose he is not a great one. Yet that judgment in itself is a disjunction. When I view the coolness in his "dialogues of transparencies" as *disassociation toward* sensibility, then I see Paz's verse as the negative charge to his positive prose, his essays as the poetry of prose.

Either way—as well as both—Paz is a great writer who has determined a great subject—*relation:* the universal,, existential—and a perfectly adjusted means for expressing that subject—conjunctive units of imagery and grammatical parallelism. If at times you get impatient with his subject or his representation, his praise of the East, his pairs of tugging doubles, you should remember, rephrasing what Hugh Kenner said of G. K. Chesterton, that Paz is not a great writer because he is important; Octavio Paz is a great writer because he is right.

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Michael Novak (Cont.)

they will favor with the protection of law. In a time of confused sexual roles, when both the role of women and the role of men have undergone profound symbolic changes, there might well be a special social value in insisting

Impeachment

. . . IT IS TIME to speak seriously about removing President Nixon from office. The proper exercise of the Presidency, Franklin D. Roosevelt said, is moral leadership. If the present trend of disclosures and indictments continues, the President's claim to moral respectability will be so destroyed and his capacity to lead so crippled that his very presence in the White House will be a national embarrassment. . . .

If he knew nothing of the sabotage, espionage, perjury and fraud that has emanated from his own offices for years, he is an incompetent —a bungler whom any private corporation (like ITT) would bounce in a minute. If he has made the inner chamber of his office a soundproof bunker where he must retreat from bad news and criticism, the willing prisoner of his Junker guards, we might question more than his judgment. If he knew what was going on—and we believe he did—he either directed or connived in the most far-reaching attempt to undermine the democratic process in our history. . . .

—*Commonweal*, May 25, 1973

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more strongly than ever upon unequal status as between homosexuals and heterosexuals. What was heretofore done by tradition, by habit, by unconscious common consent ought now, perhaps, to be chosen consciously and freely.

The moral quality of a society depends less upon the choices of individual human wills than upon the social structures, forms and symbols that govern daily life and unconscious practices. These factors are especially important for children and adolescents in their uncertainties.

To free homosexuals from the bonds of silence, fear, self-rejection, fear of blackmail and the rest is surely an important social gain. The recent public frankness about homosexuality is, in that sense, a social advance. But to go further than that—to treat as good what is less than good, or as equal what is less than equal, or as symbolically right what is symbolically flawed—is to be careless with morality itself, and with the symbolic texture of society.

The homosexual person who is a Catholic carries a heavy spiritual burden, equivalent in the moral order to the burden carried by millions who are born lame, or blind, or retarded, or otherwise lacking in human fullness. We each carry such a burden. In an age centered upon genital expressiveness, homosexuality is an especially poignant burden. It is all the more likely, in being carried well, to yield great spiritual fruit. The witness of millions of celibate and chaste persons—celibate by choice or by the accidents of life—provides a bond of moral support.

To be homosexual by the accident of personal development does not carry with it the right to claim that overt homosexual acts are morally good or that persons who practice them should be given the same symbolic equality before the law as persons who do not.

To call a proposal "progressive" or "radical" does not save it from being regressive. Most evils do present themselves in the guise of moral goodness. "Gay liberation" is not a form of genuine liberation, not a form of human progress. It is one more false god, one more false prophecy, against which it is our vocation to offer the dignity of resistance.

Ed. Note—For an opposing view, see editorial May 24 issue.

CORRESPONDENCE

(Continued from page 299)

Aquinas than Etienne Gilson told me many years ago that Chesterton's *St. Thomas Aquinas* was the finest book that had ever been written on Thomas Aquinas. Also, it might be interesting to quote from Dr. Anton Pegis' introduction to the Image Book edition in which he says:

> Chesterton was not a philosopher and never aimed to pose as one; but in writing his St. Thomas he succeed in presenting the life and the age of the Angelic Doctor with the simple and sure master strokes that have been the despair of professional students of St. Thomas. And when the artist says in ten pages what the historian or the scholar says laboriously in a volume, what comment is possible?

Insofar as Mr. O'Brien's feeling that GKC's day is past, I thought perhaps your readers might wish to know that we have had in the Image series GKC's *St. Francis Assisi*. It is one of our staple back items and to date has sold 131,000 copies. Also, in February of 1973 we reissued *Orthodoxy*, have just reissued *St. Thomas Aquinas* and will be reissuing *The Everlasting Man* in September of this year. We are studying further Chesterton works with a view to reissuing them in the future.

The titles that we have reissued are doing very well indeed and from the viewpoint of one individual engaged in the practical business of publishing books that have an appeal I would say that GKC is very healthy indeed and that his day is far from past.

JOHN J. DELANEY
Editor, Image Books
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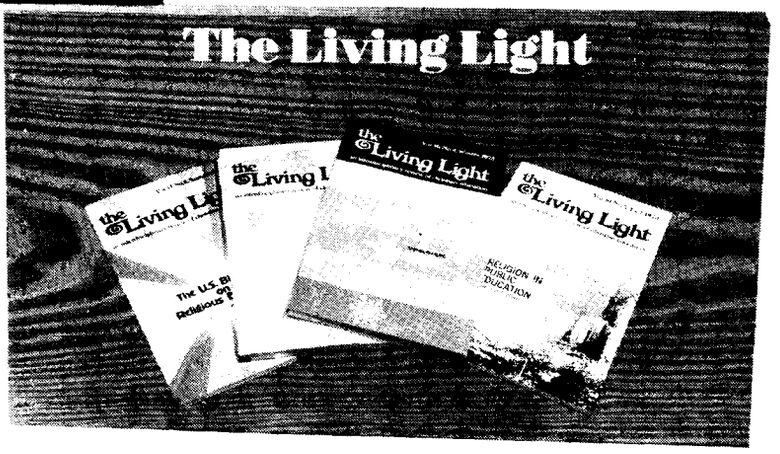

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